

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-594  
 )

WILLIAM T. BERGER, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-595  
 )

RICHARD P. HERBERT, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-596  
 )

WALTER BYRD, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-597  
 )

DON V. WELLS, JR., )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-598  
 )  
MONKEY KARAOKE, VIOSOFTWARE, )  
KATRINA McELROY, JIMMY DO, )  
WARREN DO, )  
Appellees. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-599  
 )  
RAY RUSSELL, JR., )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-600  
 )  
TIM DAVIS, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-601  
 )  
NATHAN ANGELUS SOFTWARE )  
PROVISIONS, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-602  
 )  
COUNTY OF ALLEGHENY, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-603  
 )  
RICHARD S. HENTOSH )  
CHRISTINE SMITH, )  
Appellees. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-604  
 )  
AMERICAN EXPRESS, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-605  
 )  
ACTION SOFTWARE, )  
SAMANTHA BELFER, )  
Appellees. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-606  
 )  
101 DISTRIBUTION, )  
DAMON EVANS, )  
Appellees. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-607  
 )  
REBECCA NORDETVEDT, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-608  
 )  
STEVE RABIN, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-609  
 )  
TERESA COLLEEN HICKMAN, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-610  
 )  
DON PINKAS, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-611  
 )  
DAVE TAYLOR, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-612  
 )  
RON A. LABELLA, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-613  
 )  
PETER J. CALABRESE, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-614  
 )  
BARRY FOX, BARRY FOX )  
AND ASSOCIATES INC. )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-615  
 )  
THOMAS FREUND, )  
Appellee. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-616  
 )  
DKT, BETTY JO LARGENT )  
Appellees. )

FREDERICK H. BANKS, )  
Appellant, )  
 )  
v. ) Civil Action No.: 05-617  
 )  
BANK ONE, N.A., )  
Appellee. )

## O R D E R

Appellant, Frederick H. Banks (“Banks” or “appellant”), filed a Motion for Reconsideration of Court Order dated February 28, 2006 denying Appeals for Lack of Subject-Matter Jurisdiction (the “Motion for Reconsideration”). The Motion for Reconsideration was filed in each of the above-captioned civil actions. In the Motion for Reconsideration, Banks essentially attempts to relitigate the issues he previously raised in the above-captioned actions which were denied in the memorandum order of this court dated February 28, 2006 (the

“February 28, 2006 Order”) as well as in the appeal captioned at Frederick H. Banks v. Robert L. Williams (In re Frederick H. Banks), Civil Action No. 05-1128. In Civil Action No. 05-1128 the court considered Banks’ appeal from the bankruptcy court’s denial of his motion to convert his chapter 7 bankruptcy case to a chapter 11 bankruptcy case. This court denied that appeal in a memorandum order dated March 8, 2006 (the “March 8, 2006 Order”). By reason of Banks’ raising matters in the Motion for Reconsideration which have already been considered and denied by this court, the Motion for Reconsideration will be denied.

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### **Standard of Review**

A motion for reconsideration is granted only if one of three situations are shown: “(1) the availability of new evidence not previously available, (2) an intervening change in controlling law, or (4) the need to correct a clear error of law or to prevent manifest injustice.” Reich v. Compton, 834 F.Supp. 753, 755 (E.D. Pa. 1993).

Because of the interest in finality, at least at the district court level, motions for reconsideration should be granted sparingly; the parties are not free to relitigate issues the court has already decided . . . . Stated another way, a motion for reconsideration is not properly grounded in a request for a district court to rethink a decision it has already made, rightly or wrongly.

Williams v. City of Pittsburgh, 32 F.Supp.2d 236, 238 (W.D. Pa. 1998).

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### **Discussion**

Banks, as he argued previously, claims that he should be able to pursue the claims he asserts in the above-referenced adversary proceedings because he wants to pay his creditors. The court, however, lacks subject-matter jurisdiction over those claims. See February 28, 2006 Order. Banks seeks to avoid the jurisdictional issue by claiming that his chapter 7 case should

have been converted to a chapter 11 case. As recognized in the March 8, 2006 Order, Banks failed to pay the requisite fee for conversion and the bankruptcy court, after providing him notice and an opportunity to be heard, properly denied the motion. Banks raises no new issues and presents no new evidence in the Motion for Reconsideration, there has been no intervening change in controlling law and there is no need to correct a clear error of law or to prevent manifest injustice. The claims asserted in the above-referenced adversary actions belong to Banks and not to the chapter 7 bankruptcy estate.

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### **Conclusion**

For all the reasons set forth above in the March 8, 2006 Order and in the February 28, 2006 Order entered in each of the above-captioned civil actions, this Motion for Reconsideration shall be and hereby is **DENIED**.

By the court,

/s/ Joy Flowers Conti  
Joy Flowers Conti  
U.S. District Judge

Dated: March 13, 2006

cc: counsel of record

Frederick H. Banks  
120759  
Allegheny County Jail  
950 Second Avenue  
Pittsburgh, PA 15219